

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ALEXANDRO PEREZ;)	
NELSON EGUIZABAL BRITO;)	
CARLOS CASTRO; and)	
ALEXIS MARQUEZ,)	
)	
Plaintiffs,)	
)	CASE NO.: 3:18-CV-00583
v.)	
)	
FIRST CLASS INTERIORS OF NAPLES,)	JUDGE RICHARDSON
LLC; JOSE ROBERTO REYES)	MAGISTRATE JUDGE NEWBERN
Individually and d/b/a)	
FIRST CLASS INTERIORS)	
OF NAPLES, LLC; and)	
MR. DRYWALL SERVICES, LLC,)	
)	
Defendants.)	
)	

**DEFENDANT MR DRYWALL SERVICES, L.L.C.’S SECOND MOTION TO ENFORCE
SETTLEMENT AGREEMENT AND DETERMINE ENTITLEMENT TO ATTORNEYS’
FEES AND COSTS**

Defendant MR Drywall Services, L.L.C. (“MRD”), by and through its undersigned counsel, hereby respectfully moves the Court to enforce the Settlement Agreement (as that term is defined in the accompanying DEFENDANT MR DRYWALL SERVICES, L.L.C.’S RESPONSE TO PLAINTIFF’S MOTION TO ENFORCE SETTLEMENT AND MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT MR DRYWALL SERVICES, L.L.C.’S MOTION TO ENFORCE SETTLEMENT AGREEMENT AND DETERMINE ENTITLEMENT TO ATTORNEY’S FEES AND COSTS (Dkt. No. 381, and attached hereto as Exhibit A in redacted form) and to determine MRD’s entitlement to attorney’s fees and costs incurred by MRD in enforcing the Settlement Agreement, and states as follows:

MRD respectfully requests that this Court enter an order (1) enforcing MRD's and Plaintiffs' Settlement Agreement; (2) entering an order approving the Settlement Agreement, immediately dismissing MRD with prejudice from this lawsuit, and with Plaintiffs and MRD each to bear their own attorney's fees and costs incurred in this lawsuit, and with the Court retaining jurisdiction to enforce the terms of the Settlement Agreement; (3) determining that MRD is entitled to an award of attorneys' fees and costs incurred by MRD in enforcing the Settlement Agreement and granting MRD 30 days to file an application for costs and attorneys' fees that provides the amount of costs and fees that MRD seeks; and (4) granting such other and further relief as this Court deems just and proper.

In support of the instant motion, MRD relies upon the accompanying memorandum of law, declaration of Steven D. Weber, dated April 28, 2023 (Dkt. No. 380), and declaration of Jake VanAusdall, dated April 28, 2023 (Dkt. No. 382), and the document attached hereto as Exhibit A, in redacted form, and submitted under seal by the accompanying motion.

CERTIFICATE OF GOOD FAITH CONFERENCE

On May 5, 2023, MRD sent two-emails asking Plaintiffs if they approved of the joint motion to approve the Settlement Agreement and proposed order; Plaintiffs did not respond until May 6, 2023, On May 7, 2023, MRD provided its edits to Plaintiffs' edits and said "see my edits in redline. If you do not agree with these edits, then go ahead and file a notice with the Court so we can get this issue resolved." And then on May 8, 2023, Plaintiffs asked "Is the Exhibit A you sent on Friday the version you want filed, or do you have a redacted version you want filed?" and then MRD sent both a redacted and unredacted version of Exhibit. Now Plaintiffs submitted a Joint Motion (Dkt. No. 386) with allegedly competing orders to the Court and without telling MRD it

was going to do so. The Court should enforce the Settlement Agreement and award MRD its fees and costs for bringing this motion.

Dated: May 8, 2023

Respectfully submitted,

/s/ Steven D. Weber

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(admission Pro Hac Vice)

Lead Attorneys for Defendant MR Drywall Services, L.L.C.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served via the Court's CM/ECF system upon the following:

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Attorneys for Defendant MR Drywall Services, L.L.C.

on this 8th day of May, 2023.

/s/ Steven D. Weber
Steven D. Weber